

REMARKS

Claims 1, 4, 5, 7-9, 13-15, 20, 22, 23, 25-29, and 32-35 are pending and stand rejected. Claim 1 is amended and claim 5 is canceled. Claims 1, 4, 7-9, 13-15, 20, 22, 23, 25-29, and 32-35 are pending upon entry of this amendment.

Summary of Examiner Interview

Applicant thanks the Examiner for taking time to discuss claim 1 of the pending application with Applicant's representative in an Examiner Interview on November 15, 2007. As required by 37 C.F.R. § 1.133 and MPEP § 713.04 and agreed upon with the Examiner, the substance of the interview is incorporated in this amendment and response. During the Examiner Interview, the Examiner kindly agreed that U.S. Patent No. 6,633,759 ("Kobayashi") fails to disclose limitations related to software code as recited in independent claim 1 (a peripheral device receiving "first data and software code for a peripheral application" from a handheld device and execute the received software code using the first data to generate second data.). The Examiner also suggested Applicant to amend independent claim 1 by integrating limitations from dependent claim 5 such that independent claim 1 as amended is consistent with independent claim 25.

In response to the November 15 Examination Interview, Applicant has amended claim 1 in a manner consistent with the proposals discussed during the interview and canceled claim 5. As Applicant previously suggested in the November 15 Examiner Interview, Applicant respectfully submits that independent claim 1 is merely amended to integrate limitations from dependent claim 5. Therefore, the amendment does not necessitate a new ground of rejection. See MPEP 706.07(a). Applicant requests reconsideration of this application in light of the amendments and following remarks.

Response to Rejection Under 35 USC 103(a) in View of Warren and Kobayashi

In the Office Action (pages 2-7), the Examiner rejects claims 1, 5, 7-9, 13-15, 20, 22, and 23 under 35 USC § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,999,792 (“Warren”) and U.S. Patent No. 6,633,759 (“Kobayashi”).

As amended, independent claim 1 beneficially recites a peripheral device operational with a handheld wireless communication device (e.g., a smartphone or personal digital assistant with wireless network functionality) that can automatically establish connectivity with the handheld device in response to a transition of an enclosure from a close position to an open position. The peripheral device can also receive “first data and software code for a peripheral application” from the handheld device and execute the received software code using the first data to generate second data. The peripheral device also includes a backup memory for storing a backup copy of the first data. Therefore, users of the peripheral device are not restricted to software applications previously resided on the peripheral device and can advantageously transfer software code for a desired software application from the handheld wireless communication device to the peripheral device and execute the transferred software application in the peripheral device.

The Examiner acknowledged in the Office Action that Warren fails to disclose “a communication interface operable … to receive … software code for a peripheral application from the handheld wireless communication device, … the peripheral application being associated with the application on the handheld wireless communication device.” See Office Action, page 4. Warren also fails to disclose “a processor … operable to execute the software code for the peripheral application using the user input data and the first data thereby generating the second data.” The Examiner cited item 36 in FIG. 2 and col. 5, line

62 through col. 6, line 10 of Warren for disclosure of this claim element. However, the cited figure and description merely disclose a processor in an input/output device that executes instructions from an operating system and runs components such as an email program. The operating system and components disclosed in Warren are retrieved locally (from the data storage device of the input/output device), and therefore are different from the software code for a peripheral application received from a handheld wireless communication device. It follows that Warren fails to disclose executing the received software code using the first data to generate second data.

In addition, as acknowledged by the Examiner during the November 15 Examiner Interview, Kobayashi also fails to disclose the above cited claim elements. Therefore, the cited references, Warren and Kobayashi, either alone or in combination, fail to disclose receiving first data and software code for a peripheral application from a handheld device and executing the received software code using the first data to generate second data. Thus, for at least these reasons independent claim 1 is patentable over Warren and Kobayashi. Further, dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of the basis of the § 103 rejections is respectfully requested for claims 1, 5, 7-9, 13-15, 20, 22, and 23.

In the Office Action (pages 7 and 8), the Examiner rejected claims 4 and 6 under 35 USC § 103(a) as allegedly being unpatentable over Warren and Kobayashi further in view of U.S. Patent No. 5,870,680 (“Guerlin”).

As described above, both Warren and Kobayashi fail to disclose the above-cited claim elements of independent claim 1. Guerlin similarly fails. In contrast to the claimed

invention, Guerlin discloses “a method and apparatus for conserving energy in a system including two devices interconnected by a data communication link.” (See Guerlin, abstract, col. 3, lines 59-62). Guerlin conserves energy consumption by putting the two devices in standby mode during periods when the two devices are inactive. (See Guerlin, col. 5, line 55 – col. 7, line 48). In order to put one device into standby mode or reactivate the device from standby mode, the other device sends or ceases to send messages to the device. (See Guerlin, col. 7, lines 9-43).

Guerlin fails to disclose the claimed element of receiving “first data and software code for a peripheral application” from the handheld device and executing the received software code using the first data to generate second data. The data transmitted between the two devices are command signals to be processed by applications in the devices, not software code for software applications executable in a peripheral device.

In view of the above, Warren, Kobayashi, and Guerlin, whether considered singly or in combination, fail to disclose each and every limitation recited in independent claim 1. Thus, independent claim 1 is patentable over Warren, Kobayashi, and Guerlin. Dependent claims 4 and 6 are allowable for at least the same reasons. Accordingly, withdrawal of the basis of the § 103 rejections is respectfully requested for claims 4 and 6.

In the Office Action (pages 9-12), the Examiner rejected claims 5, 25, 26, 28, 29, and 32-35 under 35 USC § 103(a) as allegedly being unpatentable over Warren and Kobayashi further in view of U.S. Patent No. 7,054,594 (“Bloch”).

Claim 5 is canceled and its limitations are incorporated into independent claim 1 as amended. As described above with respect to independent claim 1, Warren and Kobayashi,

either alone or in combination, fail to disclose receiving first data and software code for a peripheral application from a handheld device and executing the received software code using the first data to generate second data. Independent claim 25 recites similar claimed features.

Bloch similarly fails. Bloch teaches a method of safeguarding against loss of data stored in a portable data storage device. The Bloch system includes a user-carried backup device having memory and a wireless communication link with the portable data storage device. The backup device and the portable data storage device communicate over the wireless communication link to backup data entered into the portable data storage device and check for removal of the portable data storage device. See Bloch, Abstract. Bloch is silent as to a peripheral device for receiving “first data and software code for a peripheral application” from a handheld device and executing the received software code using the first data to generate second data.

In view of the above, Warren, Kobayashi, and Bloch, whether considered singly or in combination, fail to disclose each and every limitation recited in independent claims 1 and 25. Thus, independent claims 1 and 25 are patentable over Warren, Kobayashi, and Bloch. Dependent claims are allowable for at least the same reasons. Accordingly, withdrawal of the basis of the § 103 rejections is respectfully requested for claims 5, 25, 26, 28, 29, and 32-35.

In the Office Action (page 12), the Examiner rejected claim 27 under 35 USC § 103(a) as allegedly being unpatentable over Warren, Kobayashi, and Bloch further in view of U.S. Patent No. 7,013,112 (“Haller”).

As described above with respect to independent claim 25, Warren, Kobayashi, and Bloch, either alone or in combination, fail to disclose receiving first data and software code for a peripheral application from a handheld device and executing the received software code using the first data to generate second data.

Haller similarly fails. Haller teaches a method and corresponding system for providing information (e.g., wide area network telecommunication usage of a device in a short distance wireless network, a device health, and a battery health of a device) to a telecommunication server for making a business decision. See Haller, Abstract. Haller is totally silent as to a peripheral device for receiving “first data and software code for a peripheral application” from a handheld device and executing the received software code using the first data to generate second data.

In view of the above, Warren, Kobayashi, Bloch, and Haller, whether considered singly or in combination, fail to disclose each and every limitation recited in independent claim 25. Thus, independent claim 25 is patentable over Warren, Kobayashi, Bloch, and Haller. Dependent claim 27 is allowable for at least the same reasons. Accordingly, withdrawal of the basis of the § 103 rejection is respectfully requested for claim 27.

Conclusion

In sum, Applicant respectfully submits that claims 1, 4, 7-9, 13-15, 20, 22, 23, 25-29, and 32-35, as presented herein, are patentably distinguishable over the cited references. Therefore, Applicant requests reconsideration of the basis for the rejections to these claims and requests allowance of them.

Should the Examiner wish to discuss the above amendments or if the Examiner believes that for any reason direct contact with Applicant's representative would help to advance the prosecution of this case to finality, the Examiner is invited to telephone the undersigned at the number given below.

Respectfully Submitted,
Jeffrey C. Hawkins

Date: December 18, 2007 By: /Jie Zhang/

Jie Zhang, Attorney of Record
Registration No. 60,242
FENWICK & WEST LLP
801 California Street
Mountain View, CA 94041
Phone: (650) 335-7297
Fax: (650) 938-5200